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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jeffrey Pollard, *et al.*

Serial No.: 09/991,099

Filed: November 21, 2001

For: *MSH4 Ablated Mice and Uses Therefor*

Attorney Docket No.: AHN-010

Group Art Unit: 1632

Examiner: Peter Paras, Jr.

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May 23, 2003

Date of Signature and of Mail Deposit

By:

Lisa M. DiRocco

Registration No. 51, 619

Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated April 23, 2003.

Election/Restriction

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- Group I: claims 1-8, 16,-19, 26-28 (drawn to a non-human animal comprising a misexpressed MSH4 gene, a method of evaluating a fertility treatment in the same non-human animal, and cells obtained from the same non-human animal classified in classes 800, 800, and 435 subclasses 13, 3, 325);
- Group II: claims 9-13 (drawn to methods for identifying compounds that modulate or inhibit the interaction between MSH4 and MSH5, classified in class 435, subclass 4);
- Group III: claim 14 (drawn to a method for effecting contraception in a subject comprising administration of a compound that inhibits the interaction between MSH4 and MSH5, classified in class 424, subclass 184.1);
- Group IV: claim 15 (drawn to a method for modulating meiotic recombination in a cell comprising contacting the cell with a compound that modulates the interaction between MSH4 and MSH5, classified in class 435, subclass 7.21);
- Group V: claims 20-21 (drawn to a method for identifying a compound, which modulates the activity of MSH4, classified in class 435, subclass 7.1);
- Group VI: claims 22-24 (drawn to a method for modulating the activity of MSH4, classified in class 435, subclass 4);
- Group VII: claim 25 (drawn to a method of identifying a subject having or at risk of developing a fertility disease or disorder using a nucleic acid probe, classified in class 435, subclass 6).

Applicants hereby elect the Group II invention (claims 9-13), drawn to methods for identifying compounds that modulate or inhibit the interaction between MSH4 and MSH5, for prosecution in this application, *without traverse*.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa M. DiRocco", written over a horizontal line.

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Dated: May 23, 2003